

ORIGINAL

(Rev. 4/97)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

05 - 238

EMANUEL REDDEN

(Enter above the full name of the plaintiff in this action)

v.

Jury Trial Requested

WARDEN KEARNEY

Sgt. DUKES

C/O WALKER

(Enter above the full name of the defendant(s) in this action)



I Previous lawsuits

A. Have you begun other lawsuits in state or federal courts dealing with the same facts involved in this action or otherwise relating to your imprisonment?
YES [] NO [4]

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs

N/A

Defendants

N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket number

N/A

4. Name of judge to whom case was assigned

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit

N/A

7. Approximate date of disposition

N/A

II. A. Is there a prisoner grievance procedure in this institution? Yes [☒] No []

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes [☒] No []

C. If your answer is YES,

1. What steps did you take?

I filed a grievance with the grievance officer / Lt. ATILIAN

2. What was the result?

The grievance hearing officer, Lt. George R. Johnson / Mrs. Kronko / Lt. Sturgis decided to talk personally to them.

D. If your answer is NO, explain why not

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes [] No []

F. If your answer is YES,

1. What steps did you take?

N/A

2. What was the result?

N/A

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff EMANUEL REDDEN #092507
 Address DELAWARE CORRECTIONAL CENTER, SMYRNA, DE
19977

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and place of employment of any additional defendants.)

B. Defendant WARDEN KEARNEY is employed as WARDEN
at SUSSEX CORRECTIONAL INST
Georgetown, DE. 19947

C. Additional Defendants Sgt. DUKES / SERGEANT AT SUSSEX
CORRECTIONAL INST
C/O WALKER / CORRECTIONAL OFFICER AT
SUSSEX CORRECTIONAL INST.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

WARDEN KEARNEY AUTHORIZED THE USE OF THE
MESH WIRE SCREEN TO BE USED AS BUNK
BED MATERIAL, WHICH I INJURED MY
KNEE ON. THE MESH WIRE SCREEN IS USED
AS A SECURITY COVERING FOR THE WINDOWS.
SEE ATTACHMENTS.

STATEMENT OF CLAIM

On July 18, 2004 while house in the Medium Security Unit at Sussex Correctional Institution, assigned bunk #37 top. I injured my left knee on a pointed piece of steel that was protruding out of the edge of my bunk. This piece of steel was mesh covering used for window covering, but tacked welded to the bunk. The following evening the wound on my left knee turned into a small blister filled with water. In the morning of the following day the blister bursted from continuing to climb too top bunk.

On wednesday (July 21st) early in the morning noticed my leg was swollen and bleeding pus/blood. I was unable to sleep as result of extreme pain. While in the bathroom attempting to stop the flow of pus and blood, two correctional officer that were making their rounds noticed my injury. They immediately sent for their shift supervisor (Sgt. Sam Hasting), who in turn asked me what happened. I explainted to him that injured my leg on July 18th while climbing too top bunk. Sgt. Hasting, informed me to see Sgt. W. Dukes on the 8:00 a.m. to 4:00 p.m., for the purpose of getting on sick call.

At 9:00 a.m. the following morning went to the front gate and requested to see Sgt. Dukes, was informed too busy to see me, so I showed my leg to Cpl. John Doe and informed him had injured my leg on my bunk and needed to go to medical. About half hour later Sgt. Dukes came on the tier with four pieces of cardboard to put over the pointed piece of steel on the bed and told me to put in a sick call pass. He also stated would call maintenance for the purpose of coming to fix the bed. I attempted to explain to Sgt. Dukes, hadn't slept all night as result of the pain, and this is an emergency matter. He conveyed there was nothing could do, had to follow procedure and would have to put in sick call pass.

The pain became so severe, I showed my leg to C/O Walker on wednesday July 21) and again on thursday the 22nd. Each time conveyed nothing he could do and wasn't going to call medical. In order for him to send me to medical, medical would have to call. I explained to him I had put in couple sick call passes, the day before and my name still wasn't appearing on the sick-call list. Asked him would he please call the hospital as result of my leg constantly bleeding. I pulled up my pant leg which was soaked with pus and blood. Officer Walker, stated would be get back with me, but never came back. On July 23rd again was in the bathroom attempting to stem the flow of blood and pus, when an officer doing the count observed me in the bathroom and said what's going on.

He immediately contacted Sgt. S. Hasting, who came into the bathroom and showed him my leg, and conveyed had not received any help from the 8:00 a.m. - 4:00 p.m. shift. I also explained had put in emergency sick call slip, told me I would see what could be done about getting me over to the hospital. That morning at 5:00 a.m. when sick-call list came out, my name still was not on same. I went to tier gate and called Sgt. Hasting, informing him my name wasn't on the sick-call list for that day, he conveyed he overheard the nurse telling someone that she received my sick-call request but didn't put my name down in the book.

STATEMENT OF CLAIM CON'T

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Sgt. Hasting in turn penned my name on the sick-call list. At approximately 10:15 a.m. my name was called over the intercom system for sick-call. There wasn't any officer to open the gate leading from tier. I hollered for officer to let me out for sick-call, know one responded until about 10:30 a.m., when the woodshop workers were returning from work. Cpl. John Doe opened A-Tier gate I informed him^f had to goto sick-call. C/O Walker came-up and stated sick-call was over, and the procedure is only call individual for sick-call twice, attempted to explain there wasn't anyone there to open gate. He stated^f had called me bout 09:30 a.m., I didn't hear anyone call me, as result of having fallen asleep as result of having been up all night the previous evening as result of pain in my leg.

C/O Walker cambe back to me about 1:00 p.m. on the same day, stating that the nurse didn't want to see me. At approximately 2:30 p.m. on friday C/O Walker told me to pack my belonging because^f would be moving to bottom bunk on A-tier. At 3:00 p.m. Sgt. Duke and C/O Walker me me to A-tier and never addressed my constant request for medical attention. On July 24th at 05:30 a.m. I saw Sgt. S. Hasting and explained that Sgt. Dukes and C/O Walker refused to allow me togo to the hospital or secure medical attention as result of their personal dislike, which ~~wey~~ had clearly stated on number of occassions. Sgt. Hasting stated he'd personally place my name on the sick-call list. Again, state he would talk to Sgt. Dukes, Sgt. Dukes asked had I put in another sick-call slip, respondend I had. Approximately, six days after sustained injury^f was finally called to hospital.

Upon arrival at the infirmary, was scoled by the duty nurse for refusing to come to sck-call when called. I explained had never refused, never was permitted or called by either Sgt. Duke or C/O Walker. I pulled-up my pant leg and showed her my leg, the nurses immdiatly called the outside doctor that was on call for the weekend. I was given a technis shot and antibiotics for my leg. I received treatment that saturday (24th) and sunday (25th) respectfively. On monday (July 26) was admitted to the infrmary for constant care, remain in the infirmary to 8 days and 7 nights. I was release from the infirmary on August 2nd. Both Sgt. Dukes and C/O Walker as result of there dislike for me, as result of having heard about my^f reputation in concert conspired to deny me medical attention. They acted in complete disregard for serious medical needs and were indifferent to needs.

Both of the aforementioned name individual subjected me to cruel and unusal punishment. The actions by the defendants are clealy violations of several constitutional rights. The failure of the grievance officer to proper hear grievance submitted, then claimed was looking for same, and wouldn't be necessary to submit additional. Each of these individual acted in concert to supress my constitutional rights.

Respectfully submitted,

Emanuel Redden

Emanuel Redden

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.)

1. Punitive damages of \$20,000 for each defendant.
2. Compensatory damages from Warden Kearney in the amount of \$150,000.00
3. Consultation with Doctor for my injury.

Signed this 27 day of March, 2005

Emanuel Redden
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

March 27, 2005 Emanuel Redden
Date (Signature of Plaintiff)

IM Emmanuel Redden

SBI# 092507 UNIT SHK

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

Clerk
U. S. District Court
J. Caleb Boggs Federal Building
Lock Box 18
844 N. King Street
Wilmington, Delaware 19801

